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Gun control: analysis of
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Background Paper

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**GUN CONTROL: ANALYSIS OF
THE GOVERNMENT'S 1989 PROPOSAL**

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April 1990



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GUN CONTROL:
ANALYSIS OF THE GOVERNMENT'S 1989 PROPOSAL

INTRODUCTION

On 17 January 1989, a young man who reportedly had an obsession with guns and a "military hang-up" entered an elementary schoolyard in Stockton, California, armed with a Chinese-made AK-47 semi-automatic "assault" rifle and two pistols. Firing 110 rounds from the semi-automatic rifle, he killed five children and injured 29 others, as well as one teacher. In the wake of this tragedy, the state of California banned the sale, possession and manufacture of certain semi-automatic assault weapons and, on 14 March 1989, President Bush announced an indefinite suspension of the importation of assault rifles into the United States.

Although Canadian gun control legislation has always been much stricter than that in the United States, at least on the federal level there, these semi-automatic military-style "assault" rifles have always been legally available for sale in Canada, although some have been controlled as "restricted" weapons at various times. Only fully automatic weapons have been prohibited since 1978. Following the above-noted tragedy, there were calls from a number of quarters, notably from police chiefs across the country, for a ban on the sale of semi-automatic assault rifles such as the AK-47, the semi-automatic version of the Israeli "Uzi," and other similar weapons.

The government responded in May 1989 with a limited proposal: it would introduce legislation to classify as "prohibited weapons" firearms originally manufactured as automatic weapons but converted to semi-automatic fire so as to make them legal for entry into Canada. The proposed ban was based on the fear that such weapons could be converted back to automatic fire for use by drug dealers and other criminal elements.

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Although the debate in Canada provoked by the Stockton incident was somewhat similar to that which it produced in the United States, it was not charged with the same intensity. The American debate, particularly at the extremes, reflected a very different historical experience. Canadians have not known the high level of violent crime, including random killings by rival gangs involved in the drug trade, that has cast a dark shadow over the American scene for decades. Most importantly, Canadians had been spared the horrific rampages of disturbed people armed with powerful weapons that have been a too-regular part of the American experience in recent years.

Then on 6 December 1989, Marc Lépine entered the Engineering Building at the University of Montreal armed with a semi-automatic rifle. Firing randomly, but only at women, he killed 14 and wounded 13 others, before taking his own life. Massacres by demented gunmen could no longer be regarded by Canadians as being a uniquely American phenomenon.

Although it was reported that the gun used by Lépine is also part of the arsenal of some American police "SWAT" teams, it was not a military-style "assault" rifle. It was a semi-automatic weapon with a 30-shot magazine and high-powered ammunition, but it was nonetheless a relatively small-calibre rifle commonly used for hunting and by farmers protecting their livestock from "varmints." Although the incident was no less tragic, the gun used was not the sort of semi-automatic weapon that was used in the Stockton incident and was the subject of the subsequent actions by the California legislature and the President. Manufactured only as semi-automatic, the Lépine gun was far removed from the converted military weapons covered by the proposed Canadian government ban.

In the wake of the Montreal tragedy there were calls for the expansion of Canada's gun control laws. Many publicly advocated the banning of all semi-automatic weapons. Then Justice Minister Doug Lewis rejected this call, saying that: "Semi-automatic weapons in this country are used for sporting purposes ... [by] thousands, perhaps hundreds of thousands of gun owners who act responsibly ..." (1) He also renewed the promise to ban converted automatic weapons.

(1) Montreal Gazette 8 December 1989.

This paper will discuss the current legislation controlling the importation, possession and sale of automatic and semi-automatic weapons, and the change that the proposed government legislation would make. It will also analyze some of the reactions to the changes proposed in 1989. As will be seen, the proposal met with strong opposition from organizations representing gun owners.

THE EXISTING LEGISLATION

A. Description

Fully automatic weapons are those that are "capable of firing bullets in rapid succession during one pressure of the trigger." They are defined as "prohibited weapons" by section 84(1) of the Criminal Code. It is an offence to possess such a weapon, or be an occupant of a motor vehicle in which you know there is such a weapon (section 90). It is also an offence to import, buy, sell, or transfer an automatic weapon "or any component or part designed exclusively for use in the manufacture or assembly" of such a weapon (section 95).

The significance of the inclusion of "components and parts" is dealt with later in the paper, but for present purposes it should be noted that this means that the parts necessary to create an automatic weapon may not be bought or sold.

There are exceptions to the prohibition on possession of these weapons for law enforcement officers and members of the Canadian Forces. As well, a "grandfathering" provision in the 1977 gun control legislation that made automatic firearms prohibited weapons allowed bona fide gun collectors to keep any automatic weapons registered as restricted weapons before 1 January 1978.

Semi-automatic firearms are those which fire only one bullet on a single pull of the trigger, but which automatically re-load another round in the firing chamber as each bullet is fired. The provisions of the Code affecting these weapons are somewhat more complex. The Cabinet has the power to prohibit any weapon, including semi-automatic rifles and

shotguns, but has used this power primarily against various martial arts weapons. Firearms that are "of a kind commonly used in Canada for hunting or sporting purposes" are specifically exempted (section 84(1) of the definition of "prohibited weapon"). Only one firearm, a very small handgun that is presumably too easily concealable, is currently on the list.

A semi-automatic firearm would come within the definition of a prohibited weapon only if it was a "sawed-off" rifle or shotgun modified to make the barrel less than 457 mm in length or the weapon as a whole less than 660 mm long (paragraph (d) of the definition). Such alterations would in most cases be to make the weapon easier to conceal and presumably to use for criminal purposes.

Some semi-automatic weapons, however, are "restricted." Besides handguns, these restricted semi-automatics are firearms that are restricted by order or which have short barrels or can be fired when folded or telescoped so as to be below a certain length; some of them are military-style weapons. "Restricted" means that they must be registered and will be permitted only if they are required for certain specified reasons, such as for target shooting under the auspices of a recognized gun club or for inclusion in bona fide gun collections. They cannot be used for hunting or casual target shooting.

Some of the weapons which the government proposal would cover are thus probably "restricted weapons" under the present law -- converted sub-machine guns such as the Israeli Uzi -- because of their short length (although semi-automatic Uzis are sold in the United States with special long barrels in order to escape similar restrictions there). These weapons are primarily in the hands of gun collectors and those who shoot at gun clubs. Others are unrestricted and may be purchased and used by hunters and other recreational shooters.

B. Judicial Interpretations

Many gun owners fear that an extension of the gun control laws based on presumed convertibility could eventually sweep into the category of prohibited weapons some of the semi-automatic rifles manufactured as such and used for hunting and recreational shooting, if it

were determined that they were convertible into fully automatic weapons. It might be argued, however, that such an extension would do no more than confirm several judicial decisions which found that the present definition already includes convertible semi-automatics.

In R. v. Haines, a decision of the Nova Scotia Court of Appeal ((1981), 45 N.S.R. (2d) 428), a gun dealer was found to have a number of sub-machine guns which had not been registered before the 1977 change in the law made them prohibited weapons. All the guns were missing some parts, however, without which none was capable of firing automatically. The necessary parts were found on the accused's premises, and police officers testified that working automatic weapons could be relatively easily assembled. The question was whether any of the firearms could be said to be "capable of firing bullets in rapid succession."

The court found that, as in some cases such a weapon could be rendered capable of automatic fire "by the simple reassembly of its parts or the making of some minor alterations to its works" (emphasis added), this type of weapon fitted the definition of weapons "capable" of such operation. The gun dealer was also found to have the requisite knowledge of how to make the guns into automatic weapons, and therefore to have had the necessary "mens rea" to be convicted of possession of prohibited weapons. Other decisions have confirmed that the accused must be aware that the weapons can be relatively easily made into prohibited weapons (see R. v. Hutchison (1978), 8 B.C.L.R. 328) before he or she can be convicted of an offence. This principle is relevant to the proposal to extend the definition to include firearms which can be converted into automatic weapons; some gun owners have apparently expressed the concern that if they were unaware of a gun's "convertibility," they might be unknowingly in possession of a prohibited weapon.

Although the Haines decision did refer to making "minor alterations" to render a weapon capable of automatic fire, most of the cases have involved re-assembly. These decisions can be generally justified on the basis that the law could easily be evaded if immunity could be achieved by simply disassembling the weapon so that it was not immediately capable of firing. A more recent case has, however, directly

addressed the question of weapons that would require "conversion," or more particularly "reconversion."

In the case of R. v. Global Armaments Ltd. et al., (1988), 93 A.R. 77) the court was faced with an application by the Crown to have a shipment of over 100 Uzi, Sten and Sterling sub-machine guns forfeited as being prohibited weapons. The guns had all been modified to fire only as semi-automatics, but the court found that the methods used in the modification "were not very effective." Experts testified that not only could the guns be "easily .. reconverted to their original state and capability," but that even when they were in the semi-automatic mode they could, by "accident or design," be fired as automatics. The judge found that they were all "capable" of firing automatically and were thus prohibited weapons.

The judge in this case accepted the evidence that the weapons in issue could be "easily" reconverted, but he also stated his view that unless the modification was "totally effective and not subject to reversal, that is to say permanent, then such weapons can never lose that capability." It is precisely these weapons that the government proposes expressly to prohibit. The government proposal would in theory go somewhat farther than the case law, prohibiting all weapons originally made as automatics and subsequently modified to fire only as semi-automatics; it would not be necessary to show that the conversion was not permanent. As is discussed below, the Department of Justice and the police differ with some of the representatives of gun owners on whether it is possible to make reliable permanent modifications of these weapons in a significant number of cases. The government's goal would be to prohibit any weapons which were manufactured as automatic weapons and thus might have the potential to be reconverted into such weapons.

There would appear to have been no cases, however, involving the convertibility of firearms originally manufactured as semi-automatics. The case law on convertibility would thus appear to have defined as prohibited weapons no firearms other than the converted automatics that are the subject of the government proposal. Cases involving semi-automatics converted to become automatics are unlikely to arise, as police and Crown

lawyers are of the view that firearms made as semi-automatics cannot be readily converted to fire as automatics. Gun owners again disagree, and this issue is also discussed below. The important point is that the government is not proposing to extend the ban to any weapons manufactured as semi-automatics, and is unlikely to do so on the basis of a concern about convertibility, as its advisors have no such concern.

THE GOVERNMENT'S PROPOSAL

A. Description

Perhaps it should be made clear what the government is not proposing to do. It is not proposing to prohibit the "civilian" versions of military assault rifles, those firearms based on an automatic design but manufactured as semi-automatics. The Stockton incident shows what such semi-automatic weapons can do because of the speed with which they fire and their general ruggedness of design (they are less apt to jam when fired repeatedly over a short period of time). One critic of the government proposal says this is why military designs in general should not be prohibited - they operate more efficiently and thus give better performance in hunting and recreational shooting. Unfortunately, it also means that they can cause greater tragedy when in the hands of a disturbed person. Colt Industries, the maker of most of the assault rifle-style semi-automatics available in the United States, announced in March 1989 that it would stop public sales of its AR-15, the semi-automatic version of the M-16 automatic rifle used by the American military. The AR-15 is now available only to law enforcement officers and the military.

It must be acknowledged that even weapons designed and manufactured as semi-automatic hunting and recreational shooting rifles and shotguns can be used to create carnage. The Montreal tragedy bears dramatic witness to this potential. Military-design semi-automatic weapons may, however, pose a significantly greater threat of being used in mass or random killings, because of their symbolic import and their greater capacity for rapid-fire. They are also perhaps less defensible as hunting

and recreational shooting weapons. It should also be possible to forge a definition that would clearly identify them, or they could be individually prohibited by order. They could thus be banned without affecting the availability of weapons designed for non-military purposes. Beyond restricting the size of magazines or the availability of ammunition (which might have lessened the death toll in Montreal), it is difficult to see how action could be taken against the sort of rifle used in the Montreal massacre without banning all semi-automatics, including those used in hunting and recreational shooting. The government has, however, so far not made any distinction based on military design, but rather only on whether the firearms were originally manufactured as automatics for military purposes.

The government is not proposing to prohibit any firearm which was or will be manufactured as a semi-automatic weapon. The proposed ban would go no farther than those rifles originally manufactured as automatic weapons and subsequently converted. Rifles that have not "begun their lives" as automatic weapons would not be affected. This has been confirmed by the Senior Firearms Policy Advisor for the Department of Justice. It is a point that cannot be overemphasized because the wording of the official announcements has done much to confuse the issue, particularly among gun-owners.

The communiqué issued after the meeting of federal, provincial and territorial Ministers responsible for Justice on 9 June 1989 states, for example, that the Ministers agreed that there was a need to prohibit any firearm "designed, manufactured or altered to fire in the fully-automatic mode." This wording does not reveal the actual intention of the federal government's proposal. Any weapon capable of automatic fire is already prohibited from entering Canada. Further prohibited under the proposal would be those automatic weapons that have been converted to semi-automatic before any attempted importation. The communiqué also touches on the question of whether to "grandfather" such converted weapons already in the country.

The reason for the government's proposing to prohibit these weapons is, as noted, that many of them can apparently be reconverted to

automatic fire relatively easily. The Senior Firearms Policy Advisor for the Department of Justice, the Executive Director of the Canadian Association of Chiefs of Police, and other police officers expert in firearms, all maintain that most such weapons can be reconverted without too much difficulty. They note that the conversion to semi-automatic fire of weapons originally designed and manufactured to be automatics is an interference with the original design, and they therefore doubt that it can be done so as to be permanent. They emphasize that the weapons are not "de-activated" when converted from the automatic mode; de-activation would mean that they could never be fired again. Most conversions apparently involve small changes, in many cases only cosmetic changes, such as welding spots. Weapons that have indeed been "re-manufactured" as semi-automatics may escape the extended prohibition, but "conversions" are unlikely to be permanent.

The Department of Justice and the police are concerned that there are a great many surplus automatic weapons all over the world, and that Canada may be a good place to test the market for conversions of these weapons. Although the evidence is not clear, apparently several shipments of such weapons appeared in Canada in the last year and a half. With the current American ban on imports of semi-automatic assault rifles, it is feared that weapons might be brought into Canada in order to be smuggled into the United States.

Some owners have suggested that any semi-automatic, including those manufactured as such, can be easily converted to full automatic. In terms of the present government proposal this question is very much a red herring, as the government has no plans to prohibit such weapons. Many gun-owners fear, however, that this could be the next step, or that vague drafting will inadvertently sweep in all convertible semi-automatics. A private member's bill tabled by the Member for Burlington, Mr. Bill Kemp-ling, in April 1989, raised just this fear, and he received thousands of protest letters within weeks. Although the intent of the bill, Bill C-218, was apparently the same as the government proposal -- to prohibit converted assault rifles -- the bill on its face appeared to go farther. It would have included any weapon that had "the potential, with minor adaptation or

modification, of becoming (an automatic) firearm." It would thus have covered any semi-automatic sporting firearms that could be converted to automatic.

The Department of Justice and the police respond that such conversions would be likely to pose danger to the user, since the weapons could blow apart if not extensively re-worked by an expert with the right tools and parts. Modifications made by those less expert would probably result in quick jamming, so that the weapon would not operate as an automatic for any significant length of time. In any case careful drafting of the proposed government bill should eliminate this concern. Many gun-owners remain opposed to the government proposal, however, because they are confused as to what has been proposed, or fear that government will go farther, if not now then at some later point.

B. Reactions to the Government's Proposal

1. Canadian Association of Chiefs of Police

As indicated above, the Association shares the government's view as to the need for the proposed extension of the law, and is thus in wholehearted agreement with the proposed bill. Individual police officers who deal with the registration of firearms affirmed the Association's stand, although they had some concerns with the drafting of the private member's bill referred to earlier, Bill C-218, and agreed that the government bill will have to be carefully written so as to make its intention clear. The Association does, however, have certain points to add to those made by the Department of Justice.

The Executive Director of the Association agrees that most converted automatics could be easily reconverted, even by non-experts. For this reason the Association passed a resolution at its annual meeting at Vancouver in September 1988, well before the Stockton incident, supporting the prohibition of what were called "weapons of war." The fear that Canada might be used as a route by those attempting to evade the American ban has heightened the Association's concern. It sees this as more of a "potential" problem, however, rather than an actual trend. While there have

apparently been some seizures, like that in the Global Armaments case in Calgary, there have not been many, and it is hoped that seizures in such places as Calgary and Montreal may scare off the importers. Nevertheless, it is felt that an expanded prohibition is needed because there is much money to be made in this trade. Importers can apparently buy a surplus automatic weapon for as little as \$30, have it converted for a modest cost, and sell it for up to \$400.

The Association feels that the proposed prohibition is the best way to narrow the opportunity for importing into Canada weapons that could be made automatic and thus pose a threat to both the police and the public. It acknowledges that there may be other ways, such as import licensing and controls, but cautions that Canada has an extensive coastline and a long border with the United States. (Of course, even the expanded prohibition would not prevent undetectable smuggling operations.)

Police officers also fear that any converted weapons allowed into Canada and subsequently reconverted would be very useful to the illegal drug trade. President Bush initially opposed a ban on the importation of semi-automatic assault rifles into the U.S.; he changed his mind, however, after the official he appointed to lead the American war against drugs, William Bennett, supported the ban as a useful addition to that effort.

The police also make the point that, since many weapons used in robberies and other crimes have been stolen from gun collectors, converted assault rifles might pose a danger even if imported or purchased by a legitimate gun dealer or collector. The police cite problems of inadequate security and the strain on police resources which would result from an undertaking to monitor the security arrangements of private collectors. They also suggest that individuals could be protected from harassment or prosecution by the extension of amnesties, during which they could turn in prohibited weapons, particularly those newly prohibited, without being asked any questions. The Association has called for such an amnesty. There have been 13 such amnesties in England since 1968; during one of these, in 1988, approximately 50,000 weapons and 1,000,000 rounds of ammunition were turned in.

The Association maintains that there are already so many weapons, including semi-automatic weapons, designed and manufactured specifically for hunters and other recreational shooters, that a prohibition on converted assault rifles should not interfere with the legitimate interests of these users.

2. Shooting Federation of Canada

According to its president, the Shooting Federation appreciates the government's concern about weapons that can be easily reconverted to automatic. It opposes a complete ban on converted automatics, however, because it views this as unnecessary. The president claims that if the present legislation were more rigorously enforced, an extended prohibition, which he claims would open individual gun-owners to harassment and "fishing expeditions" by the police, would not be needed.

The Federation's view is that section 95 of the Code at present prohibits the possession of the "components or parts" necessary to convert or reconvert a firearm into an automatic weapon. It thus dismisses the Department of Justice's fear that "kits" may be available to make such conversions; it doubts that such kits exist, but points out that if they do they are a violation of present law. The Executive Director of the Association of Chiefs of Police acknowledged that such kits would indeed be illegal. He could not confirm whether they are available. He pointed out, however, that possession or use of such kits, individual parts or components, or any actual conversions, usually would come to light only when weapons were seized after being used in the commission of a crime. The president of the Shooting Federation has alleged (though not yet directly to the Association) that the police have misinformed the government on the need for prohibition of converted automatics.

The Federation was very concerned about any possible prohibition of legitimate hunting and recreational shooting weapons which could result from the enactment of a vague provision dealing with convertible semi-automatic weapons (through inadvertent drafting or an extension of the government's intention). Apparently the California ban referred to earlier has resulted in prohibition in that state of firearms commonly used in shooting competitions; the Federation is worried that a ban on any semi-

automatics in Canada could reach weapons used in Olympic events and prevent Canadians from preparing for these competitions. Assuming that converted automatic weapons are not used in such competitions, this concern would appear to stem from the fears inadvertently raised by Bill C-218, and should be alleviated if the government bill is carefully drafted.

The president of the Federation expressed the view that individual gun owners should not be put to the cost of proving that their firearms do not come within a prohibited category. He opposed any extension that might give the police a discretionary power; this concern also appears to point to the need for careful drafting. The Federation's opposition to the government's proposal is, however, primarily based on a differing view of the danger and potential for reconversion of converted automatic weapons. The Federation might support the classification of converted weapons such as Uzis and AK-47s as restricted weapons. It maintains, however, that such reconversions are difficult, that there is no evidence of widespread attempts to carry them out, and that a prohibition would not prevent reconversions for criminal purposes, or other criminal misuse of these weapons.

The extent to which automatic weapons can be permanently converted to semi-automatic is clearly controversial. If, however, there are methods that produce reliably permanent conversions, then at least some converted weapons could presumably be admitted into Canada without posing the danger that is the basis for the government's proposed action.

The Federation acknowledges that some imports have not been properly converted, but maintains that it could put together standards for acceptable conversions that could be administered by customs officials at ports of entry. It has suggested that a standards committee be established with representatives from government, the police, and organizations of gun-owners. Although the Federation acknowledges that the administration of such standards would require customs officers to have some training in weapons conversions, it points out that the government proposal would also require customs officers to have a certain expertise.

The choice may thus be between a government proposal that would prohibit both converted automatics that could be re-converted and

some conversions that pose no such danger, and some other method of prohibiting unreliable conversions. The proposed simple ban on all converted automatics would probably be easier to enforce, and its administration would require less expertise on the part of customs officials. The facts of the original manufacture of the weapons would be the key to admissibility, and the onus to establish these facts could be placed on the importer. Customs officials would not have to make the more difficult judgment as to whether the conversion in question met certain standards of reliability. If such judgments were possible, however, it might, as noted, permit other approaches to the problem of potentially reconvertible weapons.

3. Canadian Wildlife Federation

The Firearms Legislation Committee of the Canadian Wildlife Federation produced a detailed paper opposing the government's plan when it was first announced. Its position was adopted by the Federation as a whole at its general meeting in October 1989. The Federation feels, as does the Shooting Federation, that there is no real danger from military-style semi-automatic rifles, either in Canada or in the United States. The Stockton and Montreal incidents are viewed by the Federation as isolated occurrences not relevant to gun control in general. More significantly perhaps, the Federation also agrees with the Shooting Federation that import control is the solution to the problem of unreliably converted automatic weapons.

The Wildlife Federation differs somewhat from the Shooting Federation in that it sees the solution as being a matter of bureaucratic organization rather than the application of technical standards. It is concerned that the admission of some questionable conversions has resulted in exposure to criminal liability for some individual Canadian consumers, and feels that a re-organization of the border inspection system would prevent such admissions in future. The Federation proposes better training for customs officers and a program that would require amendments to the Criminal Code but would avoid an expansion of the category of prohibited weapons.

The Federation's suggestion would involve a summary procedure whereby customs officers could make speedy decisions on whether a shipment contained unreliable conversions. This would be balanced by a right of appeal similar to that which now exists for refusals to issue Firearms Acquisition Certificates. The experts for the government and the importer could then fight the issue out in court, with a judge making the final judgment. Individual consumers would thus be protected from inadequate conversions and would not be subjected to the expanded liability to criminal charges that might result if the category of prohibited weapons was enlarged.

In the Federation's view the government's proposal would result in the individual having to "look over his shoulder." It may be suggested that a carefully drafted government bill, particularly if it was supplemented by a "grandfathering" provision or amnesty programs for weapons already in the country, would eliminate or significantly limit any expansion of the criminal liability of individuals, and make it unnecessary for them to engage in difficult questions of interpretation. Those weapons that were newly prohibited should be easily identifiable. Shipments of such weapons should in fact be stopped at the border. The Federation will not be satisfied, however, if there is any extension of criminal liability within the country.

The Global Armaments case may indeed show that weapons that can be easily reconverted to automatic mode are already covered under the present prohibition legislation. (This decision was made at a lower level, but higher courts might well take the same view.) The important point for the Federation is that the problem be dealt with at the border without involving individual Canadians. The Committee believes that an improved border inspection system would also lead importers to be more careful than they have been in the past, as there would be considerable financial risk involved in questionable shipments.

The border inspection proposal appears to be well thought-out and reasonable. It would, however, probably be more expensive than the government proposal; it might also be harder to administer and less effective. Whether there is sufficient justification for such a system is

another question. Again, an initial consideration would be the extent to which automatic weapons can be reliably converted, and thus the level of acceptable imports that the system would permit. Even more controversial, and less capable of objective resolution, would be the legitimacy of the interests of hunters and recreational shooters in having access to converted automatic weapons. The Federation's position paper is strongly opposed to what it sees as the harmful and unwarranted interference with these interests that would be the result of the government approach.

The Federation also makes a case for the legitimate use of converted surplus military firearms in hunting and other recreational shooting. It cites the lower cost of such weapons as compared with that of domestic commercial semi-automatic rifles. A converted AK-47 can apparently be bought for \$250 to \$450, while a comparable Remington semi-automatic costs up to \$550. The Federation acknowledges, however, that shooters will pay much higher prices for some converted military weapons because they are "state of the art." The advances in military technology mean that these weapons perform better and are less likely to jam, whereas current domestic semi-automatic rifles, based on pre-World War II designs, are significantly less reliable.

Most of the performance and safety advances in firearms have been made through military development. The Federation therefore argues that to cut shooters off from weapons of military design would cut them off from these advances. It might be suggested, however, that it should not be necessary to obtain a military weapon in order to benefit from advances in military technology. It is not necessary to buy a race car in order to benefit from the advances made in automotive technology on the racing circuit. Through the years, innovations that first appeared on the track have made their way through to production line automobiles.

If this flow-through of technology has not in fact happened in the case of firearms, domestic manufacturers should be encouraged to incorporate advances in their designs and production methods to meet this legitimate consumer demand. Indeed, if converted military weapons were no longer available, perhaps there would be more incentive for domestic manufacturers to make more modern firearms. In any case, the government

proposal would not touch civilian versions of military weapons that are manufactured as semi-automatics. Unlike the makers of the Colt AR-15, not all manufacturers of such weapons have announced a ban on further public sales, and considerable quantities of such weapons are still on the market.

CONCLUSION

The R.C.M.P. Annual Firearms Report for 1988 shows that almost a million restricted weapons, mostly handguns, were registered in Canada as of the end of that year. The number of unregistered rifles and shotguns used for hunting and recreational shooting, both semi-automatic and manual, must be many times greater. Whether there is a need for a ban on the importation and possession of converted automatic weapons, or whether such a ban would be an unjustifiable interference with the legitimate rights of shooters are open questions. What is clear, however, is that the present government proposal would have relatively little effect on the general availability of semi-automatic weapons in Canada, and even less effect on the numbers of such weapons in the hands of individual Canadians.

While the proposal is a modest one, it has met with general rejection by organizations representing the interests of gun-owners. Though this opposition has apparently not lessened in intensity since the tragedy in Montreal, the overall climate of public opinion has changed significantly. Greater awareness of the issue of gun control and more support for tighter controls has been evident in newspaper columns and editorials, expressions of opinion by parliamentarians, public petitions and public opinion polls. This changed climate should ensure that the government's proposal is enacted into law when (perhaps if) it is tabled in Parliament. Whether the new climate of concern will lead to other, and more extensive, changes in our gun control laws is quite another question. There appears to have been a shifting of opinion, but we will have to wait to see whether there is enough momentum in favour of tougher gun control laws to produce more significant changes than the government has so far suggested.

